

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

CASE NO. 5:23CR00292-001

-v-

NATHAN HOTCHKISS,

Defendant.

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**SENTENCING MEMORANDUM**

DATED: April 16, 2024

Respectfully submitted,

LISA A. PEEBLES  
Federal Public Defender

By:

Randi J. Bianco, Esq.  
Supervisory Ass't Federal Public Defender  
Bar Roll No. 507514  
Clinton Exchange, 3<sup>rd</sup> Floor  
4 Clinton Square  
Syracuse, New York 13202  
(315) 701-0080

## I. PRELIMINARY STATEMENT

On August 22, 2024, pursuant to a written rule 11(c)(1)(C) binding plea agreement, the Defendant Nathan Hotchkiss (“Nathan”) pled guilty to a two-count information charging him with Sexual Exploitation of a Child in violation of 18 U.S.C. § 2451(a). The terms of the proposed plea agreement call for a sentence of 360 months of imprisonment<sup>1</sup>, a life term of supervised release, restitution, forfeiture, court ordered destruction of devices and special assessments.

On March 13, 2024, the United States Probation Department prepared a Presentence Investigation Report (“PSR”). The PSR sets forth a total advisory offense level of 43 (after acceptance) and a Criminal History Category of 1, which results in a guideline imprisonment range of 720 months [PSR ¶ 106].

The Sentencing Reform Act provides, in part, that:

The Court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in Paragraph (2) of this subsection. The Court, in determining the particular sentence to be imposed shall consider:

- (1) The nature and circumstances of the offense and the history and characteristics of the defendant; [and]
- (2) The need for the sentence imposed;
  - (A) To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) To afford adequate deterrence to criminal conduct;
  - (C) To protect the public from further crimes of the defendant; and
  - (D) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553.

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<sup>1</sup> Nathan has also pled guilty in Lewis County Court to two counts of Criminal Sexual Act in the First Degree in violation of N.Y.P.L. § 30.50(3) and will receive a total sentence of imprisonment of 360 months. The agreed upon term of imprisonment to be imposed here is to be concurrent with the Nathan’s state imprisonment term.

In this case, as discussed below, Nathan's history and characteristics, as well as the nature and circumstances of the offenses, reflect that to the extent the agreed upon disposition departs from the applicable guideline range, that departure would be made for justifiable reasons under U.S.S.G §6B1.2(c)(2).

## **II. BACKGROUND**

Nathan's life has been a series of hardships, including childhood cancer, childhood sexual abuse, verbal abuse from his father, and extensive bullying in school. Shortly after being born, Nathan had respiratory issues which required him to be hospitalized. Nathan developed a rare condition that would affect him for the rest of his life. As a child, Nathan was exposed to verbal abuse and alcoholism by his father. As he grew older, Nathan turned to drugs as a method to process the trauma he was subject to growing up. He was also later diagnosed with HIV, depression and anxiety.

This offense happened when Nathan was in the throes of drug addiction. Struggling to cope with reality, Nathan made terrible decisions. Nathan acknowledges that what he did was wrong and that the effects of his actions on others will be long lasting. Nathan has accepted responsibility for his actions, he was cooperative with the police by admitting his wrongful conduct and has pled guilty to this offense.

## **III. THE NATURE AND CIRCUMSTANCES OF THE OFFENSE**

On September 26, 2022, investigators executed a search warrant at Nathan's house. During the search, investigators found three cellphones and a laptop, each containing child pornography of V1 and/or V2 as well as child pornography of other children which the defendant obtained through the internet or through social media exchanges. On the day of the search, Nathan admitted that he sexually exploited V1 and V2 and was paid to allow others to watch him

do so, as well as being paid to distribute pre-recorded videos of him doing the same. Nathan has expressed sincere remorse for his conduct [PSR ¶25].

#### **IV. NATHAN'S HISTORY AND CHARACTERISTICS**

##### **A. Family and Early Life**

Nathan grew up in a religious household with an older brother and sister and is often characterized as someone who would help anyone in need, even if helping them would be a detriment to himself [See letter from Andrew Hotchkiss]. Though Nathan has a close relationship with both his mother and sister, the same cannot be said about his relationship with his father. Throughout his childhood, Nathan had often experienced his father, David, yelling angrily at him, his siblings, and his mother.

Nathan joined the work force at the young age of ten, when he began distributing newspapers once a week, eventually increasing to a daily distribution route. [See letter from Carol Hotchkiss]. He would go on to deliver newspapers for ten years, while also starting to work at an Arby's fast-food restaurant at fifteen years old. *Id.* Only a year after he began working at Arby's, Nathan was promoted to evening supervisor. He gladly accepted this responsibility and would continue to work for Arby's for three more years before taking his leave. *Id.*

Unfortunately, after leaving Arby's, Nathan got involved with the wrong people, which inevitably led Nathan to make poor decisions. *Id.* at 2. Nathan developed an addiction to a variety of drugs. [See letters from Carol Hotchkiss and David Hotchkiss]. Despite all of this, Nathan decided that he needed to be better, so he enrolled in Jefferson Community College where he studied chemical dependency and human services. Nathan was just one class shy of completing his degrees when he welcomed his daughter to the world, and ultimately did not earn

either of his two intended degrees [PSR at ¶ 91]. Nathan did, however, become a certified peer recovery coach and worked full time at Credo Community Center from September 2019 - March 2020. He left the job due to the pandemic [PSR ¶ 98]. During his work at Credo, he helped other people that were combatting their struggles with substance abuse.

## **B. Sexual Abuse**

When Nathan was in the fourth grade, he was sexually abused by his brother's friend. This happened on several occasions though Nathan did not talk about it and "kind of got used to it." [PSR at ¶ 77]. However, research shows that common reactions by men regarding childhood sexual abuse includes denial and emotional suppression.<sup>2</sup> Childhood sexual abuse has been determined to be a risk factor for a variety of different mental health issues developing in adults who were victims as children. Childhood sexual abuse is linked to the development of issues such as depression, post-traumatic stress, dissociation, and substance abuse.<sup>3</sup>

## **C. Volunteer Work**

As a child Nathan belonged to the local church's youth group. Through his involvement with the youth group, Nathan frequently did volunteer work which included several different jobs such as raking leaves, doing yard work for others, and cleaning windows. When Nathan was thirteen years old, he was part of a mission team for a church in Turin, New York. For this mission, Nathan along with the other members of the group went to El Salvador where they worked with an orphanage for about a week. Nathan's work in El Salvador included assisting in building a school and teaching English classes to the local children who did not know the

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<sup>2</sup> Despite the damaging effects men experience with childhood sexual abuse, researchers Sorsoli, Kia-Keating, and Grossman in 2008 found that men often suffer in silence. Additionally, researchers Leitenberg, Greenwald, and Cado in 1992 tried to link the denial and emotional suppression to the social expectations of men and boys to refrain from expressing helplessness and vulnerability. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4083008/>.

<sup>3</sup> Walsh, Fortier, and DiLillo, *Adult Coping with Childhood Sexual Abuse: A Theoretical and Empirical Review*, National Library of Medicine, Jan. 11, 2011. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2796830/>.

language [PSR at ¶ 93].

#### **D. Musical Talent**

Nathan finds both comfort and solace in music, he can quickly learn to play any instrument that he picks up. Nathan was able to actively pursue his interest in music through the churches where he played the piano and sung as part of the music ministry. Nathan was involved in many chorus concerts, plays at school, musicals, and even concerts in college [PSR at ¶¶ 92-93].

#### **E. Physical Health Issues**

Nathan was born four weeks prematurely on Christmas day 1987. [Letter from Carol Hotchkiss]. Four weeks later he had respiratory trouble and was diagnosed with Respiratory Syncytial Virus (RSV) and hospitalized. *Id.* While being x-rayed, a tumor was discovered in his chest. *Id.* Nathan had surgery and he was diagnosed with a Neuroblastoma (cancer) which was removed. *Id.* After the surgery he was diagnosed with Horner Syndrome which affected his body's ability to regulate itself.<sup>4</sup> *Id.* During the time Nathan was in school he received occupational therapy.

In 2018, Nathan was involved in a car accident which shattered his shoulder blade and broke one of his ribs. Nathan's medical problems continued and in 2021 he was diagnosed with HIV [PSR at ¶ 82].

#### **F. Mental Health Issues**

Subject to various forms of abuse throughout his life, Nathan has unfortunately struggled to maintain his mental health. Through his home life, Nathan was subject to verbal abuse from

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<sup>4</sup> Horner's syndrome is a rare condition that affects the face. Symptoms typically affect only one side of the face, and may include a drooping eyelid, a constricted pupil, and the absence of facial sweating.  
<https://www.medicalnewstoday.com/articles/horners-syndrome>

his father. At school, Nathan was bullied by the other students to the point where he had to drop out of school in the tenth grade [Letter from Carol Hotchkiss]. Nathan was in and out of several mental health facilities, starting when he was fifteen years old. He was an outpatient at the Lewis County mental health facility for one and a half years because he was diagnosed with situational depression and anxiety. At age nineteen he was admitted to a mental health ward for three weeks because he had been self-harming in the form of cutting himself. At twenty-six years old, Nathan tried to overdose on drugs. [See PSR at ¶ 85] In 2020 Nathan was diagnosed with ADHD, mixed anxiety, depressive disorder and PTSD [See PSR at ¶ ¶ 85-86]. In addition to his own troubles, both sides of Nathan's family have a history of depression, anxiety, and ADHD, as well as a cousin who died by suicide. Nathan currently suffers from depression and anxiety and takes medication. *Id.*

#### **G. Substance Abuse Issues**

Nathan has an extensive history of substance abuse issues which began when he was eighteen years old with marijuana and alcohol. As he got older, he used cocaine, heroin, LSD methamphetamine, prescription drugs, bath salts, synthetic marijuana and psychedelics. [PSR at ¶ 87]. He only had sporadic substance abuse treatment and found that Narcotics Anonymous was most helpful. *Id.* Nathan would like to receive treatment to overcome his addictions while incarcerated.

#### **H. Education**

Nathan dropped out of school in the tenth grade due to extensive bullying, but he did earn his GED. [See Letters from David and Carol Hotchkiss]. After beginning a period of sobriety, Nathan decided that he wanted to help others with issues similar to his and enrolled at Jefferson Community College where he pursued an associate degree in Chemical Dependency and Human

Services. [PSR ¶ 90]. Nathan never finished this degree, dropping out when his daughter was born. He was just one class shy of earning the degree. *Id.*

**V. A Thirty-Year Sentence Would Adequately Promote Respect for the Law, Provide Just Punishment, and Deter Criminal Conduct.**

By the time of sentencing Nathan will be 36 years of age. He openly and willingly admitted his fault to investigators and did what he could to make the investigation seamless and efficient. Nathan has acknowledged his wrongdoings and will use the time to get better. A thirty-year sentence means that Nathan will not be released until he is in his sixties. This will be followed by lifetime supervision. Such a sentence certainly reflects the seriousness of the offense, promotes respect for the law and affords adequate deterrence to criminal conduct in this particular case.

**VI. CONCLUSION**

Based upon the facts outlined above, the Court should sentence Nathan to a sentence of 360 months to run concurrently with his state sentence of 360 months. Such a sentence would be sufficient but not greater than necessary to achieve the statutory purposes of punishment as required by Section 3553(a)(2).



## **VII. DESIGNATION**

We ask that the Court recommend a designation close to home in Watertown, New York.

DATED: April 16, 2024

LISA A. PEEBLES  
FEDERAL PUBLIC DEFENDER

*By: s/ Randi J. Bianco, Esq.*  
Supervisory AFPD  
Bar Roll No. 507514  
Clinton Exchange, 3<sup>rd</sup> Floor  
4 Clinton Street  
Syracuse, New York 13202  
(315) 701-0080

TO: Michael Gadarian, AUSA  
Mr. Nathan Hotchkiss